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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 7966

Bhattacharya et al.

Art Unit: 2818

Application No.: 10/020,208

Examiner: Auduong, Gene Nghia

Filed: December 18, 2001

Atty. Docket: 1875.03300001

For:

System and Method to Screen **Defect Related Reliability in** 

**CMOS SRAMS** 

Petition to Withdraw Holding of Abandonment under 37 C.F.R. §1.181(a)

Mail Stop: Petition

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed May 14, 2004, Applicants request that the holding of abandonment in the above-identified application be withdrawn.

The Notice of Abandonment ("Notice") appears to be in error. The Notice indicates that the application was abandoned for failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice. The Patent Application Information Retrieval (PAIR) website indicates that a Notice of Allowance was mailed on December 23, 2003 and that a "Miscellaneous Communications to Application - No Action Count" occurred on March 19, 2004.

Applicants did not receive the Notice of Allowance or any other communication indicating that the application had been allowed.

The attachment to the Notice of Abandonment ("Attachment") indicates that where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant a petition to withdraw the notice of abandonment and remail the Office Action. The Attachment further indicates that the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office Communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office Communication was not received. The Attachment further states that a copy of the docket record for the present application where the non-received Office Communication would have been entered had it been received and docketed must be attached to and referenced in practioner's statement.

Attachment A to this petition provides the practitioner statement that is required.

Attachment B provides a redacted copy of the docket record for all correspondence received from the USPTO for the entire firm for a two month period from December 22, 2003 (one day prior to the alleged date of mailing of the Notice of Allowance) through February 24, 2004. The Firm's docket record provides the following information. On a daily basis for each correspondence received, the Firm's docket record shows the responsible attorney, the client matter number, the application serial number and type of action received (e.g., Issue Notification, Recorded Assignment, etc.). The redacted copy of the docket record shows the responsible attorney and client matter number for each day.

The redacted copy shows that no USPTO correspondence was received from the USPTO for the client matter number 1875.0330001, which is the client matter number of the present case. The other information was redacted as it contains confidential

Bhattacharya, et al. Appl. No. 10/020,208

- 3 -

information not germane to the matter in question. Prior to redaction, the docket record

was reviewed to confirm that no correspondence was received for 1875.0330001.

Additionally, the review included reviewing the application serial number column to

confirm that no correspondence was received for application number 10/020,208, which

is the application number of the present application. This step was taken to ensure that

there was not a docketing error associating the application number with a different client

matter number.

In further support of this petition, Attachment C provides a copy of our matter

docket record that identifies all correspondence with the USPTO in the present matter

from the date of first filing to the date of this petition. A review of the matter docket

record further shows that no record of a Notice of Allowance or other related

communication from the USPTO for this case was received.

Applicants therefore request that the Notice of Abandonment be withdrawn and

the original Notice of Allowance and Fee(s) Due Office Communication be remailed.

Prompt and favorable consideration of this Petition is requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michael D. Specht

Attorney for Applicants

Registration No. 54,463

Date: 6/17/04

1100 New York Avenue, N.W.

Washington, D.C. 20005-3934

(202) 371-2600



#### **ATTACHMENT A: Practitioner Statement**

I, the undersigned, state that I am the practitioner responsible for prosecuting U.S. Patent Application Number 10/020,208, filed December 18, 2001.

I state that a Notice of Allowance or other communication indicating that the referenced case had been allowed was not received in the referenced application and attest to the fact that a search of the file jacket and docket records indicates that the Notice of Allowance or other communication was not received.

I further state that a copies of the firm docket record and matter docket record where the non-received Notice of Allowance would have been entered had it been received and docketed showing that the Notice of Allowance was not received are attached as Attachments B and C to this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Michael D. Specht

Registration Number 54,463

Date: 6/17/04

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MUNICIPAL 152.072001

MUNICIPAL 152.072001

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February 7,2004

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Lisalay-G- 06094730000 LSG/095 0623, 1700000 LAS (DA) 10623,120000 D 160 ALF 0666.095RETD MAC/MI 0811.120001 LEN/ALF 1073-7830004 15c/EDH 1487.0110000 EKS 1488.0310008 GUS/RAJ. 1488.036000A 1606.0010003 45 ... [W] 505 1710.133000 MODOLOG 1281 WITHE 156 to E 1857. 13.70000 5mc/55c [861.145000] RESTOF 1875, 137 0001( RESENT 1875,1420004 ncs/eny 1825. 4310002 1875.5480000 Jsr/ 50 7040.0210001 Jam/90E2107-0270001 TUM 2107.08 20000 Cutter 2107, 0670000

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TIM/508.5430000

RES 1406.0020009

MOLIFEG 1744.0010003

KIGGHAM 1823.1090000

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KINGGER 1757.0160002

DIF/CAS 1857.0850000

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June 17, 2004

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Mail Stop: Petition

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

U.S. Utility Patent Application

Appl. No. 10/020,208; Filed: December 18, 2001

For: System and Method to Screen Defect Related Reliability

Inventors:

Bhattacharya et al.

Our Ref:

1875.0330001

Sir:

The following documents are being submitted under 37 C.F.R. § 1.53(c) herewith for appropriate action by the U.S. Patent and Trademark Office:

- 1. Petition to Withdraw Holding of Abandonment under 37 C.F.R. § 1.181(a); and
- 2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michael D. Specht

Attorney for Applicants

Registration No. 54,463

DJF/MDS/mlb Enclosures 276113\_1.DOC

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Act Due Date 20NO2002

Taken Dt 20NO2002

Point Timek PATENT OFFICE

1ST EXAMINER'S REPORT ISS

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Country Case Type Relation Typ	1875.0330001 United States REGULAR CASE TYPE ORIGINAL OR PATENT CASE NATIONAL CASE 01	For Assoc Client\Divis Current Owne Prev Own	DONALD J. FEATHERSTONE BROADCOM CORPORATION BROADCOM CORPORATION MICHAEL SPECHT ELECTRICAL
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